

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK DISTRICT COUNCIL,
OF CARPENTERS PENSION FUND, ET AL.,

:
Plaintiffs,

:
-against-

FINE & EXCELLENT WINDOW TREATMENT
INSTALLATION INC., F/K/A FINE &
EXCELLENT ALL WINDOW TREATMENT
INSTALLATIONS, INC.,

:
Defendant.

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 09/13/07

ORDER

07 Civ. 6197 (BSJ)(KNF)

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

1. United States District Judge Barbara Jones has determined that a default judgment should be entered against the defendant, and has referred this matter to me so that an inquest may be held, to determine the amount of damages, if any, to be awarded to the plaintiffs.
2. I direct the plaintiffs to send me proposed findings of fact and conclusions of law, as well as an inquest memorandum, accompanied by supporting affidavits and exhibits, setting forth their proof of damages, costs of this action, attorneys' fees, and any applicable interest (and to serve same upon the defendant) on or before October 25, 2007.
3. I direct the defendant to send me any opposing memorandum, affidavits and exhibits, as well as any alternative findings of fact and conclusions of law (and to serve same upon the plaintiffs) on or before December 6, 2007. In these papers,

the defendant must state: (a) whether it requests a hearing for the purpose of cross-examining the plaintiffs' affiants; and, (b) whether it requests a hearing for the purpose of calling its own witnesses, and, if so, state the name and address of each witness.

4. If a hearing is requested by any party, a date for the hearing shall be fixed by the Court and provided to the parties.
5. If no request for a hearing is made by any party within 45 days of service of plaintiffs' inquest submissions, then I shall make my decision solely on the bases of the memoranda and affidavits without oral argument.

Dated: New York, New York
September 12, 2007

SO ORDERED:

Kevin Nathaniel Fox
KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE